



STATE OF ARKANSAS
**Department of Finance
and Administration**

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February 14, 2006

Arthur Boutiette, Director
Arkansas Disability Determination for
Social Security Administration
701 Pulaski Street
Little Rock, AR 72201

Re: Advisory Opinion #483-06-01

Dear Mr. Boutiette:

This letter is in response to your request for an advisory opinion pursuant to ACA Section 19-11-715 (b). Your request for an advisory opinion is based on the following facts:

- 1) Dr. Anita Bennett was hired as an employee to review Social Security disability claims in July of 2005, after contracting with the agency as a medical consultant from April 2005 to July of 2005.
- 2) Her husband has taken a job in Hartford, Connecticut, and you seek to be allowed to contract with her on a professional/consultant services basis to provide continued disability review via electronic means from Hartford.
- 3) You are requesting that the restrictions contained in the Ethics in Public Contracting Law on contracting with ex-employees be waived to allow such contracting with Dr. Bennett.

Your request for waiver relies on the fact that Dr. Bennett, currently an employee, has benefited from extensive training at your agency's expense and, coupled with her experience, should be allowed to provide needed services from her new residence in Hartford; however, ACA Section 19-11-715(c) provides for a waiver only from the restrictions of ACA Section 19-11-705 **Employee conflict of interest**, rather than ACA Section 19-11-709(d)(1) **Restrictions on employment of present and former employees**.

Accordingly, the statutes do not allow waiver of the restrictions on former employees. In the event that you still wish to contract with Dr. Bennett, she must be separated from employment at least one year, and in the case of involvement in "matters connected with her former duties" i.e., review of a case that she worked on while in your employ, there is a permanent restriction. However, if you decide, based upon this decision, to continue her employment at the Hartford location, you will need to consult with the Office of Personnel Management.

This advisory opinion is issued in accordance with ACA Section 19-11-715(b) and (c) and compliance with the above course of conduct is deemed to constitute compliance with the ethical standards of the Act and EO 98-04.

Sincerely,

Richard A. Weiss

RAW:cw

cc: Joe Giddis